

Applicant : Simon M. Furnish  
Serial No. : 10/037,306  
Filed : December 31, 2001  
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Attorney's Docket No.: 12258-0032001 / InfraReDx-14

REMARKS

In response to the advisory action mailed on April 20, 2009, Applicant submits new claims that are believed to comply with Rule 1.121.

Consistent with the telephone interview of April 28, 2009 with Examiner Ruth Smith, in which Rule 1.126 was discussed, Applicant submits new claims in which claim numbers 51-56 have been decremented by one to accommodate the missing claim 50.

Applicant's new claim set also includes the deletion of a stray underline from claim 6.

Applicant amends the claims and adds new independent claims to recite allowable subject matter from the dependent claims. In particular, claim 1 is amended to include the limitations of claim 2. Claim 20 is amended to include the limitations of claim 21. New claim 51 corresponds to original claim 1 but with the limitations of claims 13 and 14. New claim 52 corresponds to original claim 1 but with the limitations of claims 16 and 17. New claim 53 corresponds to original claim 1 but with the limitations of claim 18. New claim 54 corresponds to claim 20 but with the limitations of claim 31. New claim 55 corresponds to claim 20 but with the additional limitations of claim 32. In addition, Applicant cancels rejected claims 39-40, 49, and 50.

The application is now believed to be in condition for allowance. Accordingly, Applicant looks forward to a notice of allowance.

The charge for excess claim fees was submitted with the Amendment under Rule 1.116 on April 1, 2009. No additional fees are believed to be due in connection with the filing of this response. However, to the extent fees are due, or if a refund is forthcoming, please adjust our Deposit Account No. 06-1050, referencing Attorney Docket No. 12258-0032001.

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Respectfully submitted,

Date: April 28, 2009



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